

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:	:	Case No. 18-23089-GLT
	:	Chapter 13
MARTHA BELL,	:	
	:	
<i>Debtor.</i>	:	Related to Dkt. No. 91
	:	

ORDER

On July 10, 2019, the Debtor filed a *Motion to Appeal Decision of Bankruptcy Court of June 5, 2019 to Dismiss Chapter 13 Bankruptcy Case and to Request a Stay Until Appeal is Decided* (the “Motion”) [Dkt. No. 91] which the Court docketed as a Notice of Appeal of the June 5, 2019 order. The Motion also seeks a stay pending appeal, which Fed. R. Bankr. P. 8007(a)(1) ordinarily requires the moving party to request from the bankruptcy court in the first instance. Therefore, to the extent that the Debtor intended to make such a request to the bankruptcy court, the Court observes that the Motion suffers from several procedural and substantive defects. First, the Motion was not served on all affected parties.¹ Second, the Motion fails to establish grounds for relief, including a reasonable likelihood of success on the merits.² To the contrary, the issues which led to the dismissal of this case, including nonpayment of the filing fee and failure to tender plan payments, remain uncorrected despite repeated identification of these issues by the Court. Given this history of noncompliance, a stay of proceedings while the appeal is pending will

¹ See Fed. R. Bankr. P. 9013.

² See *In re Revel AC, Inc.*, 802 F.3d 558, 576 (3d Cir. 2015) (“To obtain a stay pending appeal, a movant must demonstrate all four of the following elements: (1) that it is likely to succeed on the merits; (2) that irreparable harm will occur in the absence of a stay; (3) that granting the stay will not result in greater harm to other parties; and (4) that the public interest favors a stay.”).

substantially prejudice creditors who will be delayed from exercising remedies under applicable non-bankruptcy law without any reasonable prospect of receiving payments during the interim.

AND NOW, this 10th day of July, 2019 it is hereby **ORDERED, ADJUDGED,** and **DECREED** that the request for a stay pending appeal is **DENIED**.

ENTERED at Pittsburgh, Pennsylvania.

A handwritten signature in black ink, appearing to read "Gregory L. Taddonio", with a stylized flourish extending to the right. Below the signature, the letters "sjb" are printed in a small font.

GREGORY L. TADDONIO
UNITED STATES BANKRUPTCY JUDGE

Dated: July 12, 2019

Case administrator to mail to:

Debtor

Rodney Shepherd, Esq.

Ronda Winnecour, Esq.

Imaged Certificate of Notice Page 3 of 3

United States Bankruptcy Court
Western District of Pennsylvania

In re:
Martha Bell
Debtor

Case No. 18-23089-GLT
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: llea
Form ID: pdf900

Page 1 of 1
Total Noticed: 1

Date Rcvd: Jul 12, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 14, 2019.

db +Martha Bell, 204 Castle Drive, West Mifflin, PA 15122-2931

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 14, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 12, 2019 at the address(es) listed below:

James Warmbrodt on behalf of Creditor Cenlar FSB as servicer for LOANDEPOT.COM, LLC
bkgroup@kmlawgroup.com

Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com,
jbluemle@bernsteinlaw.com

Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov

Rodney D. Shepherd on behalf of Debtor Martha Bell rodsheph@cs.com

Ronda J. Winnecour cmecf@chapter13trusteedpa.com

S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
Equitablebankruptcy@peoples-gas.com;srk@sjwpgh.com

TOTAL: 6